

***Village of Barrington
Plan Commission
Minutes***

Date: April 27, 2004

Time: 7:00 p.m.

Location: Village Board Room
200 South Hough Street
Barrington, Illinois

In Attendance: Anna Bush, Chair
Curt Larsen, Vice Chair
Steve Morrissey
Bhagwant Sidhu
Harry Burroughs
Steve Mack

Staff Members: Jeff O'Brien, Acting Senior Planner
Erin Emerick, Recording Secretary

Call to Order

Ms. Bush called the meeting to order at 7:00 p.m.

Roll call noted the following: Anna Bush, Chairperson, present; Curt Larsen, Vice Chair, absent; Bhagwant Sidhu, present; Harry Burroughs, present; Steve Mack, present; John Rometty, absent; Steve Morrissey, present.

There being a quorum, the meeting proceeded.

Ms. Bush asked Staff if they had any preference for which items to do first.

Mr. O'Brien suggested doing the Zoning Ordinance Text Amendments first.

New Business

PC 04-04 Zoning Ordinance Text Amendment Re: B-4 Uses and Definitions

Mr. O'Brien asked for a motion to continue this to May 11 because Staff has concerns that there may be loopholes in some of the uses and definitions, especially the financial institution definition. That definition right now allows for mortgage offices to be considered financial institutions. They are looking to tighten up the definitions and they want to contact some of the financial institutions before proceeding.

Mr. Mack motioned to continue PC 04-04 until May 11, 2004. Mr. Burroughs seconded. Voice vote recorded all ayes.

PC 04-05 Zoning Ordinance Text Amendment Re: Electronic Amusements Devices and Billiards and Similar Gaming Tables

Mr. O'Brien stated that the Village Board was contacted by some restaurateurs who were upset because Barrington does not allow gaming tables- they felt they were not competitive in the market because of this rule. They do allow billiard tables but that requires a license. Electronic gaming tables are prohibited by gambling provisions in Zoning Code, which covers the electronic table games- seen as slot machines. The board asked that this go to public safety committee, who reviewed it and noted that there is no reason that the Village should not allow these machines anymore. They felt that the Village could regulate them

through the Zoning Ordinance and the planning process. The Board of Trustees initiated the Text Amendment on March 15. The proposal is to amend the Zoning Code in B1 and B4 Zoning Districts to allow for 3 or fewer electronic or other amusement devices as an accessory use to a restaurant and/or tavern use and one billiard table as an accessory use shall be permitted. Those would be permitted uses; they will get licensing and then they would be allowed to put those machines in. If they wanted more than 3 table games they would need a special use, or that would have to be part of a planned development.

Ms. Bush asked if up to 3 machines is by right.

Mr. O'Brien said yes, but they will still have to be licensed by Village so that Village can do inspections and make sure they aren't running illegal gaming devices on their property.

Ms. Bush asked difference between legal and illegal.

Mr. O'Brien said legal would be a video game such as the Golden Tee games. Illegal games would be slot machines or table machines that are push button games (video poker, etc.). If the restaurant/bar wanted more than 1 billiard table they could get special use or planned development. Staff is thinking about this for sports-themed restaurants.

Mr. Mack asked how Village defines restaurant, tavern, etc.

Mr. O'Brien said restaurant is defined as having more than 50% of business by serving prepared food, whereas a bar's primary focus is selling liquor (50% of sales).

Mr. Burroughs asked if there was distinct difference between electronic amusement devices and gaming tables.

Mr. O'Brien said a legal gaming table would be a foosball table, for example.

Mr. Burroughs said in most terms a gaming table is considered a gambling table.

Mr. O'Brien said they will not have blackjack, craps tables, etc. Staff will be adding these definitions to Zoning Ordinance and will be very clear on what is acceptable and what is not.

Mr. Morrissey said that there are many different types of games that could be seen in a sports bar, but there are no sports bars in town.

Mr. O'Brien said that that board is thinking that the Village is making itself less competitive without the option for these games. Some restaurant chains might want to have these gaming tables.

Mr. Mack said that his problem with the restaurant definition is the 50% of business.

Mr. O'Brien said the key to the definition is that the primary function of a restaurant is that you go and are served with food prepared there and that you consume the food on site. The patrons are going to sit down and eat, and if they happen to drink and drinks are more than 50% of their bill, their primary function is still that they are eating.

Ms. Bush asked what is driving this to come to the community. What facilities do they have that are going to require this? None of the restaurants that they have now have these games and they get a lot of business. Ms. Bush does not think this amendment is needed. Mr. Larsen (who was not present at meeting) asked that Ms. Bush express his disdain at this issue. She does not look favorably upon having an arcade in an establishment, does not think it brings anything positive to community, and she has been to many successful restaurants that do not have these games. She does not like the noise and people gathered around them; she does not get the benefit.

Mr. Burroughs asked if Village allows a video arcade around town?

Mr. O'Brien said no, video machines are strictly allowed as an accessory use only. The billiards tables- thought is that they would allow a billiards hall (there are some upscale ones); they would not look for a place that is just serving alcohol with a few pool tables. The video games would only be allowed as accessory use. Noted that commissioner Larsen had emailed the Village Board expressing his concerns- objection to proposal. Mr. Bob Woodson, resident, also expressed objection.

Mr. Burroughs asked if there were any of those functions at the bowling alley.

Mr. O'Brien said he is not sure, but he thinks it was just a bowling alley and a tavern. The Village has not allowed electronic games ever to his knowledge.

Mr. Mack asked why they didn't just suggest that the board make a provision either for an arcade hall or a billiard hall instead of saying it can be an accessory.

Mr. O'Brien said the request came from restaurateurs asking why they can't have video games in their businesses. Staff's thought was that Village would not be willing to entertain arcade, only games as an accessory.

Mr. Morrissey asked about specific restaurants that had approached Village.

Mr. O'Brien said he did not know the specific restaurants that approached the Village, he knows that police chief that originally handled request from Board- first seen as public safety issue.

Mr. Morrissey asked which Trustees are on Public Safety Committee.

Mr. O'Brien said Trustee Hunt, Trustee Yeagley, and Trustee Deluga.

Mr. Morrissey said that the coin operated games are pretty profitable and he can understand why these business owners want the extra revenue, but does not think that this is competitiveness issue. Mr. Morrissey agrees with Mr. Larsen. Asked if Mr. O'Brien could revisit the inconsistency of the Ordinance with the Code.

Mr. O'Brien said the inconsistency right now is that the Village Code allows them to license billiards tables and other similar gaming tables but not electronic games.

Mr. Morrissey asked if that was per location or per table.

Mr. O'Brien said it was per table. The inconsistency is that the Village Code suggests they allow billiards tables but there is nowhere in Zoning Ordinance that would allow that use on a property.

Mr. Morrissey asked if they were only trying to close that gap.

Mr. O'Brien said first they are trying to close that gap and secondly trying to give businesses other options.

Mr. Morrissey said he's okay with closing the gap but nothing further. Thinks the way the code is written allows sufficient latitude for the per table licensing.

Ms. Bush asked for more questions, discussion, or a motion.

Mr. Burroughs asked what the Village actually wants the Plan Commission to do here.

Mr. O'Brien said they are asking for a recommendation to the Board to approve this Text Amendment as Staff has drafted (4 bullet points).

Mr. Mack said the primary difference from what is being recommending here and what is in the Village Code is to allow electronic games- closes gap. Also closes gap on non-electronic table games, which are in current code.

Mr. O'Brien said current code, language is billiard tables and other table games.

Ms. Bush said it would be foosball, air hockey, etc. There are 2 components- electronic games and amusement devices, the other is billiards and other table games.

Mr. Mack said the other change is that you get 3 for one license, whereas now it is by table.

Mr. O'Brien said that by right they can get 1 billiards table, but then need to ask for special use if they want more, or ask for planned development.

Mr. Mack asked how many table games restaurants/bars get by right.

Mr. O'Brien said one.

Ms. Sidhu asked no matter how big or small restaurant is?

Mr. O'Brien said that is correct.

Mr. Morrissey said he would exclude the electronic amusements, but would make a motion to include the acceptance of points 2 and 4.

Ms. Bush read these points:

2) One billiard table shall be permitted as an accessory use to a restaurant or tavern within the B-1 General Business District and the B-4 Village Center District.

4) More than one billiard table shall require a special use and shall only be permitted within the B-1 General Business District and the B-4 Village Center District.

Ms. Sidhu seconded.

Mr. Mack asked to amend motion to include current code language, which is a billiard table or other table game. That way what PC is moving conforms.

Mr. Morrissey and Ms. Sidhu accepted modification.

Mr. O'Brien clarified for the record that this is excluding all language about electronic gaming devices.

*Roll call vote: Morrissey- yes; Sidhu- yes; Burroughs- yes; Mack- yes; Bush- yes
Motion Carries: 5-0*

PC 04-06 Cook Street Plaza, Northwest Corner of Cook Street and Station Street (Plat of Subdivision)

Mr. Bill Braithwaite, 2800 W Higgins Rd, Attorney

Stated they are asking approval for plat of subdivision. This is first time the Village has had opportunity to approve a plat of subdivision of this type. Talked about vertical subdivision- instead of just taking land and dividing into pieces, they will divide vertically, so you can have a portion of the land at different levels. What is driving this is technicality that the Village of Barrington will own a garage of Cook St Plaza and part of that will be under Cook St. In order to accomplish that, considering the technicalities of condominium act, they must turn to vertical plat subdivision. When subdivision is in place and plat is approved, there will be area that is lower garage for condominium owners, next level of this will be village

garage level, and next level will be the road/surface. What is happening here is that in order to get ownership interests accomplished, a portion of Station St. will be temporarily vacated and then a new condominium with vertical strata will be put in place, then the surface portion of Station St. will be immediately rededicated to Village. It will be a lot of paperwork. Mr. Jason Dolan will describe what this subdivision will look like. Mr. Braithwaite asked if the board members all had copies of plat.

Mr. Dolan, 410 Winfield Lane, Inverness; Engineer

Mr. Dolan gave the board members more detailed copies of plat. Stated that there is heightened level of detail from previous plat. On sheet 2, there is gist of vertical subdivision plot. These are not single plane parcels, but 3 dimensional volumes, which will allow a technician in future to define each division. There are coordinates that bound those volumes.

Mr. Morrissey asked if parcel #2 is Village portion.

Mr. Dolan said yes. Reason there is so much detail in level 2 is that all other parcels are defined out from level 2. Level 1 goes to infinity to below- not bound vertically in that direction. #2 is sandwiched in between the others. When this is done, the county recorder has to ultimately accept this plat. This is common thing to do in Cook County- they are accepting of these.

Mr. Mack asked about lot 4- is that on same level as lot 2?

Mr. Dolan said actually it is not- gave him more detailed document. Stated that they are temporarily vacating the street so that they can insert levels 1 and 2, then rededicating lot 4 (street level) to Village for road usage.

Mr. Mack confirmed that lot 4 is street level.

Ms. Bush asked for questions.

Mr. Dolan thanked the board.

Mr. O'Brien said Village Board approved Cook St Plaza April 12, 2004, approved the restated and amendment development agreement, the planned development amendments which Plan Commission discussed on Dec 9, 2003, and ARC's Certificate of Approval. The subdivision is final part of development that was not approved because they were not at this stage before. Village Council is confident with this strategy of doing plat of subdivision. Staff recommends approval of this proposal; feels this is best way to accomplish what they want to.

Mr. Burroughs motioned to approve PC 04-06. Mr. Mack seconded.

Roll call vote: Morrissey- yes; Sidhu- yes; Burroughs- yes; Mack- yes; Bush- yes

Motion carries: 5-0

Mr. Braithwaite said the only thing holding them up is that they need another 1,700 square feet of retail space to be rented out. They have good leads on that, and then they will accomplish the requirement of having leased or sold 50% of retail space and 50% of condominium space.

Ms. Bush said she looked forward to them breaking ground.

Approval of Minutes

March 30, 2004

Mr. Burroughs motioned to approve minutes as written. Mr. Morrissey seconded.

Mr. Mack asked if Mr. O'Brien could read through it and proofread everything, had no problem with substance.

Voice vote recorded all yes.

Planner's Report

Mr. O'Brien said that next meeting is May 11, with small Zoning Ordinance Text Amendment case that they continued tonight. Also have Barrington Bank and Trust and Salem United Methodist Church.

Mr. Mack asked about Zoning Ordinance Text Amendment- if he understands this right, they only need to do this if the Bank gets through?

Mr. O'Brien said no, it is broader than that- application that has come about because some businesses have taken up spaces that are prime retail spaces, such as mortgage companies. Staff is looking to narrow down definition.

Ms. Sidhu said she would not be there in May.

Mr. Burroughs asked when the Village decided to buy the parking lot.

Mr. O'Brien said the Village currently owns part of the lot behind Starbucks and they will own the same number of spaces.

Mr. Burroughs asked if that was driving reason to make 3 subdivisions.

Mr. O'Brien said yes the Village will own a portion of the garage so they can do enforcement on it and have public parking. Developer will be maintaining the garage.

Mr. Morrissey said he has conflict on May 11; does not know what they will do to quorum.

Ms. Bush said she has conflict as well.

Mr. O'Brien said as long as Mr. Larsen was there they should have quorum. Noted that last week he received letter of resignation from Mr. Rommetty, so the Board of Trustees is trying to fill vacancies.

Mr. Morrissey said that in event of a board member being absent, is it appropriate to submit written comments?

Ms. Bush said that it is their right as a citizen and they will submit written comments.

Mr. O'Brien said as a commissioner it is their right to submit comments for record even if they are unable to attend meeting.

Adjournment

Mr. Burroughs moved to adjourn the meeting. Mr. Mack seconded the motion. Voice vote recorded all Ayes. The motion carried. The meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Erin Emerick, Recording Secretary

Anna Bush, Chairperson
Plan Commission